to Dr. Rogers, saying: "I see no impropriety in gentlemen holding official positions, as Atkins and myself do, becoming interested in an enterprise such as you suggest. Atkins and I will be glad to confer with you or Harry, or both, at any time that may be convenient, and discuss the matter further."

The result of the conference was the admission of several other partners, all standing on the ground floor; that is to say, on the basis of no return whatever for the interests acquired save the value of the names and political influence respectively invested. The list of the Pan-Electric statesmen, as they were subsequently dubbed by the ingenious Dr. Rogers, is here presented:

Gen. Joseph E. Johnston, soon afterward United States Commissioner of Railroads and Government Director of the Pacific railroads and telegraphs under Mr. Cleveland's Administration. His gratuitously acquired interest was $500,000, on paper.

The Hon. Isham G. Harris, United States Senator from Tennessee. His gratuitously acquired interest was likewise $500,000.

The Hon. Augustus H. Garland, United States Senator from Arkansas, and soon afterward Attorney-General of the United States and a member of President Cleveland's Cabinet. His interest was $500,000.

The Hon. Casey Young of Tennessee, then already elected to the next Congress as the Representative of the Memphis district. His interest was $500,000.

The Hon. J. D. C. Atkins of Tennessee, then a member of Congress and soon afterward the Commissioner of Indian Affairs under the Cleveland Administration. His interest was also $500,000.

A block of $2,000,000 was retained for Parthenon Heights in the name of the younger Rogers, and $500,000 was held by the syndicate in common, as treasury stock, to be disposed of when opportunity occurred. The method of organization was as simple as falling off a log. Young Rogers formally assigned the patents to the syndicate on May 19, 1884, for record; and on the next day, May 20, the syndicate assigned the telephone patents to the Pan-Electric Telephone Company, a now historic corporation which had previously been incorporated under the laws of Tennessee. The assignment of the gratuitously acquired interests in the Rogers patents by these several gentlemen constituted the payment in full of the $5,000,000 capital authorized by the charter. The actual cash investment was four dollars and fifty cents for the use of the seal of the State of Tennessee.

Both on the part of Dr. Rogers and of the statesmen whom he thus associated with himself, the motives have been frankly confessed. In the whole concern there was no cash capital to speak of, no business experience that counted for much. "I had never undertaken," said Mr. Garland, when under oath before an investigating committee of Congress two years later, "to make money except by law or poker. I had always lost at poker and generally won at law. It was simply an association of five or six very impecunious men who wanted to better their condition." "There was not a capitalist among us," was Gen. Johnston's testimony. On Dr. Rogers's side, he swore without the slightest hesitation that his object in placing the $2,500,000 of gift stock in the hands of the five impecunious statesmen was to secure the use of their names and influence; "to bank on their names and general reputation," as he expressed it, "and that they should assist in monetizing my son's patents."

But how to proceed to "monetize" these patents, capitalized at five millions, estimated by Van Benthuysen's New Orleans Company not to be worth $5, which nobody would buy on their merits? The telephone field was in the possession of the great and powerful Bell Company, unpopular with its customers on account of its high rates for service, whose broad claim that its patents covered the only known way of transmitting speech by electricity had been sustained over and over again by the United States courts in infringement suits. The Bell Company's capital was something more than numerals on paper. It was worth from $20,000,000 to $30,000,000; besides this, the parent corporation had established local companies with an aggregate capital worth more than $50,000,000. The impecunious statesmen and their promoter, the author of the historical tragedy "Mrs. Surratt," and the satirical poem "The Great Mugwump," had with the prudence of absolute necessity limited their assessments to $150 on each $500,000 interest. With such a slender campaign fund, how were they to overthrow their giant competitor?

The original policy of the Pan-Electric statesmen seems to have been to maintain stoutly that the Rogers patents did not infringe. In order to get into the market and to sell stock or licenses, they certainly for a time endeavored to persuade the public that Pan-Electric was not in conflict with Bell, and therefore that no interference from the courts need be apprehended. For example, a subsidiary company to operate the Pan-Electric telephone and other Rogers patents in the State of Pennsylvania, under guarantee by the patent company against infringement suits, was organized with a nominal capital of $5,000,000. It was styled the Rogers Telegraph and Telephone Company, and its glowing prospectus, in the well-known English of Parthenon Heights, was publicly advertised, offering $100 shares for $60, with a reduction for large blocks. The advertisement stated that the Rogers Company owned $1,500,000 of the stock certificates of the Pan-Electric. Holders of the Rogers stock, it continued, "hold, in effect, shares of all the above stocks," that is to say, the Pan-Electric stocks. But in order to sell the Rogers stock for sixty dollars or even for one dollar a share, it was necessary to persuade the gulls that there was no danger of infringement suits against the Pan-Electric Telephone Company. Here stepped in the Hon. Augustus H. Garland, typographically complimented by the prospectus as "THE lawyer of the Senate."

Mr. Cleveland's Attorney-General was at that time merely the Attorney-General of the Pan-Electric concern. In reply to a letter from a pretended investor, who turned out afterward to be a selling agent of Pan-Electric local rights, Garland wrote as follows on Jan. 5, 1884:

> In reply to your question propounded in your note hereto attached, I beg to say I have given the subject referred to much attention, and have closely examined several opinions delivered by different courts in controversies between the Bell Telephone Company, Dolbear, Spencer, Ghegan, and others, and I am clearly of the opinion that the Pan-Electric named by you *in no wise infringes the Bell telephone.* * * * This, in my judgment, is more than enough *to insure the Pan-Electric telephone from any charge of infringement of the Bell.*

"Senator Harris," the prospectus went on to announce, "another eminent lawyer of the Senate, has also given the subject profound investigation and heartily concurs with Judge Garland."

This deceptive prospectus, including the mousetrap opinion of the two eminent lawyers of the Senate, was kept before the public until as late as September, 1885, or six months after Mr. Garland had entered Mr. Cleveland's Cabinet as chief of the Department of Justice. On the strength of his opinion that the Rogers patents were no infringement of the Bell telephone, the crowd took in something like $40,000 or $50,000 by the sale of rights alone. How much stock was sold is a matter of conjecture. If they knew meanwhile that the pretence of no infringement was a false pretence, the character of the transaction can be described more easily than pleasantly.

That they did know that the pretence of no infringement was a false pretence is shown clearly by three very curious and interesting circumstances:

1. While advertising to outside investors Mr. Garland's opinion as conclusive, the Pan-Electric statesmen, including Mr. Garland himself, attached no weight to it whatever. Mr. Garland testified before the investigating committee that when he wrote his letter to the bogus investor he informed his associates that they had better consult an expert; he, Garland, "had never had a patent case before." "I was unwilling," he added, "that they should take my opinion in a matter of that sort and act upon it." That is to say, while he was willing to allow his written opinion to stand for a year and a half before the stock-buying public as an inducement to invest in Pan-Electric, he was unwilling that his associates inside should regard it as a guide to their own action. His associates followed his private advice and consulted an expert. They went to the Hon. E. M. Marble, ex-Commissioner of Patents, and Mr. Marble informed them in a written opinion that the principle of the Pan-Electric telephone was covered broadly by the Bell patent; and that so long as the courts sustained the Bell patent, the invention of Mr. Rogers would be subordinate thereto. This opinion from the expert consulted by the Pan-Electric statesmen at Mr. Garland's suggestion was dated Feb. 27, 1884, about seven weeks after Mr. Garland had written his own opinion that there was no infringement. The Marble opinion, on the strength of which no stock, licenses, or local rights could possibly be sold to the greatest fool living under the moon, was carefully suppressed. It did not get beyond the Pan-Electric's inner circle. There is reason to believe that the real contents and significance of this opinion were kept even from Gen. Johnston, the President of the concern, who had manifested on several occasions a decided reluctance to figure before the public as a common swindler. But for seventeen months after the statesmen were in possession of Mr. Marble's opinion, for seventeen months after they knew that the Rogers patent did infringe on the Bell patent, and that if the Bell patent was valid the Rogers patent was worthless, the Hon. Augustus H. Garland's certificate as *the* lawyer of the Senate that there was no infringement on Bell by Pan-Electric, was kept before the great American public as toll bait for ignorant and unwary purchasers.

2. Among the gulls was Senator Vest of Missouri. He testified afterward that he received one of the circulars from Parthenon Heights, saw that Senator Harris was concerned in the enterprise, and went to him for information. This was in April, 1884, three months after the Pan-Electric statesman had put forth Mr. Garland's no-infringement certificate, and one month after they had privately learned that there was infringement. Senator Harris sent Senator Vest to Senator Garland as an authority on the status of the Rogers patents and the Pan-Electric's relations to the Bell Company. Both Harris and Garland assured Vest that there could be no conflict with Bell, and Garland told him he had already given a written opinion to that effect to a man who was about to buy stock. The Marble opinion was not mentioned. Vest thereupon bought one hundred $100 shares for $1,000, or at the rate of ten cents on the dollar, giving his check in payment. He seems to have been a speculative but confiding investor in good faith, who was not let in upon the ground floor like certain of his fellow Senators, but was moderately taxed and ushered to the second story front. The most interesting point in Mr. Vest's testimony is that he swears that Garland, after assuring him that there was no danger of a successful infringement suit on the part of the Bell people, went on "to represent that in his opinion *the Bell patent was illegally obtained, and that the Pan-Electric stock might be worth some money.*" This appears to mark the transition from the earlier policy of asserting that Bell was not infringed, to the later and more audacious policy of admitting the infringement and attacking the validity of the Bell patents.

3. While the statesmen were still selling local rights in the South and Southwest on the strength of Mr. Garland's and Mr. Harris's no-infringement opinion, and while they had in their strong box the suppressed opinion of Mr. Marble that Pan-Electric did infringe, they employed another expert, Dr. Wellington Adams. Like Mr. Marble, he advised them in writing that their apparatus unquestionably infringed on Bell. Meanwhile the Bell Company began to press them here and there with interference suits. The statesmen thereupon hired Dr. Adams to write a pamphlet in their interest, entitled "The Telephone Case, prepared for the Pan-Electric Telephone Company, by Dr. Wellington Adams." This book was published as early as April or May, 1885, and it was the authorized and acknowledged statement of the Pan-Electric's claims. The book was afterward introduced as such by the company in the proceedings in the Department of the Interior, and sworn to be true. In this pamphlet the Pan-Electric statesmen say on page 252, when discriminating their case from the Spencer case, that the decision of the court in the Spencer case "was based solely on the proposition that the Spencer instruments were not such as to infringe the Bell patents. *It is quite different with us, since we admit that if the Bell patents are held valid we most certainly do infringe.*" So that not only did these speculators of Parthenon Heights and of the Cleveland Administration privately know that they infringed on Bell, but they publicly and under oath admitted the infringement when it became convenient so to do; and yet, then and for months afterward, they kept on raking in and dividing the money procured from innocent investors by the exhibition of the Hon. Augustus H. Garland's opinion, furnished to a stool-pigeon investor and publicly advertised, that the Pan-Electric telephones *did not* infringe the Bell patents, and that no trouble was to be apprehended from suits by the Bell Company. As late as February, 1886, Mr. William Gredner reported from Birmingham, Ala., that Gen. Upshaw, Chief Clerk in the Indian Bureau under Commissioner Atkins, had recently visited that city, in the interest of the Pan-Electric, and had "succeeded in absorbing over $20,000 out of our people, upon the strength of letters written by Attorney-General Garland and United States Senator Harris, which he circulated extensively around. These letters stated, in effect, that parties having money could safely invest in the Pan-Electric Company, as its patent was sound in every way, and would be sustained by the courts in any conflict that would arise between it and the Bell patent."

Such are the reasons for describing the Pan-Electric speculations, in its earlier phases, as a sawdust game. No wonder that Gen. Johnston, a little more sensitive to points of honor than some of his associates, wrote in anguish of heart to Dr. Rogers, warning him against the public sale of the company's stock! "Such sales," wrote the General, "would be very dangerous. For if the enterprise did not succeed, all concerned in them would be considered by the public as swindlers. I mean all concerned, all of us."

III.—The Skies Open and the Doctor Sees a Vision.

The coming in of Cleveland and the unexpected elevation of so many of the impecunious statesmen to posts of importance in the new Administration opened vast possibilities to Pan-Electricity. Particularly delightful and encouraging was the Cabinet appointment which promoted Mr. Garland from the General-Attorneyship of the sawdust concern to the Attorney-Generalship of the United States. At this period Dr. Rogers was too busy to write poetry. Had he found time in March, 1885, to give poetic expression to his welling emotions, the pæan would have been worth preserving.

It was at breakfast on Monday, the 24th of May, seven years ago, that the greatest thought of Dr. Rogers's whole career as a promoter sprouted in his fertile mind. Here he was, with the grip of opportunity fastened upon an Administration which held that public office was a public trust. Why not go a little further and convert the Administration into a Pan-Electric Trust?

The Doctor took his pen and addressed to his partner, the Hon. Augustus H. Garland, Attorney-General of the United States, a letter informing that high officer of the Government that he, Dr. Rogers, was the "owner and holder of $500,000 in the Pan-Electric Telephone Company, which would to-day be worth (in my judgment) more than par value were it not for a fraud practised upon the United States by one Alexander Bell." Observe the delicacy with which the Doctor stated the case. He did not think it necessary to remind the Attorney-General that by a strange coincidence he, too, the Attorney-General, was the owner and holder of just $500,000 in the Pan-Electric Telephone Company which might be worth par if the Bell patents could only be cancelled. The Doctor confined himself to his own hopes and aspirations, leaving the Attorney-General to perceive the rainbow over the Attorney-General's $500,000. After indicating the grounds on which the Bell patents might be attacked, the Doctor notified his partner, the Attorney-General, that he was "too poor, individually, to fight this monopoly," and politely requested the Attorney-General "to instruct a United States District Judge to take immediate action in the premises." He also inclosed for the information and instruction of the Department of Justice a newspaper slip referring to a case in which the Government had become a party to a private suit to cancel a patent for painting on glass.

Having achieved this masterpiece of promotion, Dr. Rogers of Parthenon Heights leaned back in his chair and dreamed a dream.

The beatific vision which he saw would have staggered Mulberry Sellers. The Doctor saw the Government of the United States lending its mighty aid and its practically inexhaustible treasury to the enterprise of breaking down the Bell patents, and thus enriching beyond the dreams of avarice a certain modest poet and certain impecunious statesmen, his friends. What did the demolition of Bell mean to each of the Pan-Electricians? In the first place, there was the individual share of $500,000, which had cost nothing, and which would go to par at the very least. More likely it would go to a million or a million and a half. Next, there was the $40,000,000 of stock in the eight licensed or local companies, of which 40 per cent., or $16,000,000, was held by the parent concern; one-tenth of this, or $1,600,000, belonged to each original Pan-Electrician. But supposing the Bell patents were smashed, there would be not merely eight but at least fifty subordinate corporations, each with $5,000,000 capital, meaning $10,000,000 for each holder of $500,000 in the present company. Eleven and a half millions, let us say, for the poet and for each of the impecunious statesmen, if the Government succeeded in cancelling the Bell patents. Golden vision! Beauteous dream! This is what Dr. Rogers of Parthenon Heights saw when he had finished his letter to the Department of Justice; and this is what he hoped his partner, the Attorney-General, would see as soon as he got his morning mail.

The Attorney-General read the letter, thought over it, and pigeon-holed it. The proposition as conveyed by the enthusiastic and exuberant Doctor was quite too crude for a public officer with any regard for his official neck. The Attorney-General did not write to his partner, the promoter Rogers, thanking him for his suggestions pointing the way $ fortunes for them both, and promising to order the Government suit at two o'clock that same afternoon. He made no answer whatever to the Doctor's communication. He omitted even to put it on the department files.

Nevertheless, the Government suit to cancel the Bell patents was ordered by the Cleveland Administration all the same; and it is in progress at the present day.

IV.—More Ways Than One to Kill a Cat.

Now began a series of attempts on the part of the impecunious statesmen to carry out Dr. Rogers's great idea and commit the Government to the Pan-Electric cause, without too serious a wound to the delicate official sensibilities of their partner at the head of the Department of Justice.

There had been bitter hostility, for reasons not necessary to explain, between the Pan-Electric people and Mr. Van Benthuysen's New Orleans company, the National Improved Telephone Company of Louisiana. The quarrel lasted until common distress brought the two concerns together. Both were in the position of infringers of the Bell company, and both were undergoing prosecution. The Pan-Electric had been enjoined at Philadelphia, and a motion for an injunction was pending against its sub-company at Baltimore. The Baltimore sub-company had applied to the parent concern for support and defence under the guarantee, and had received answer from the impecunious statesmen to the effect that while they were willing to accept millions as tribute they had not one cent for defence. The other sub-companies took alarm, refused to pay in any more money, and the Pan-Electric business was at a standstill. As for the Van Benthuysen company, it was sorely pressed by the Bell people in an infringement suit at Pittsburgh. Such was the situation when it occurred to Casey Young that there are more ways than one to kill a cat.

The Hon. Casey Young thereupon journeyed to Pittsburgh, where Van Benthuysen was defending his case in court, and made the personal acquaintance of that gentleman. In the interview which took place between the President of the National Improved and the Treasurer and attorney of the Pan-Electric, Casey Young incidentally dropped the remark that a bill had passed Congress requiring the Attorney-General to institute suit, in the name of the Government, to annul any patent upon the application of any citizen presenting sufficient proof. It happened that the bill in question had not in fact passed Congress and become a law, but Mr. Van Benthuysen jumped at the idea and immediately proceeded on the mistaken impression derived from Mr. Casey Young's misinformation.

The idea of attacking Bell over the shoulders and from behind the broad back of the United States Government struck Van Benthuysen as capital.

"Well," he said, "why don't you get Garland to do it?"

"Mr. Garland," replied Casey Young, with proper solemnity, "is a member of our company, has been our counsel, and I would not ask him to do it. It would be a delicate matter, and I would not ask him."

"I will do it," rejoined Van Benthuysen, promptly.

The President of the New Orleans company was a person of impetuous character. It evidently did not occur to him that a Government suit, inspired and controlled by the National Improved of Louisiana, and with the Pan-Electric left out, might not be the thing which of all things Casey Young and his Pan-Electric associates most desired. Van Benthuysen put in an application on his own responsibility and in behalf of his own company that same day or the next day. It was received by the Attorney-General at Washington on July 14. Mr. Garland tied it up with red tape; that is to say, he referred it, according to custom, to the Interior Department, where it remained tied up in red tape until Van Benthuysen himself withdrew it some weeks later, he having meanwhile become convinced that a National Improved application, not accompanied and invigorated by Pan-Electric influence, was no way to kill the cat.

Thus ended the second attempt to carry out Dr. Rogers's great idea.

About two weeks later there was a junction of interests between Van Benthuysen's company, which was well to do in money but not strong in influence, and the Pan-Electric concern, poor in cash but uncommonly wealthy in influence with the Cleveland Administration. The combination was effected at the Ebbitt House in Washington, where Senator Harris, Casey Young, and Col. Gantt, representing Pan-Electric, met Van Benthuysen of the National Improved, Huntington, one of his Directors, and Von Briesen, his counsel, in a conference covering the last days of July and the first days of August.

A secret agreement or treaty was signed on Aug. 4, 1885, by the two contracting powers. Its essential parts are these:

> Whereas, the parties hereto, the said National Improved Telephone Company and the said Pan-Electric Telephone Company, propose to commence proceedings in *the name of the United States* against the American Bell Telephone Company, *provided they can obtain the assent of the Attorney-General* of the United States to do so;
>
> It is stipulated and agreed that should they succeed in having a suit brought by or in the name of the Government, the lawyers of each party shall be entered as counsel of record in said suit, and every possible assistance shall be given by the contracting parties to carry it to a successful conclusion;
>
> With this further express agreement and understanding, that there shall be no settlement or compromise of the same by either party in interest without a full discussion thereof by the members of both companies, and an agreement upon such terms of settlement or compromise as may seem just and fair to both.
>
> In witness whereof the proper officers of said companies hereto attach their hands and seals this 4th day of August, 1885.
>
> ISHAM G. HARRIS,
> Vice-Pres. Pan-E. T. Co., the President being absent.
> W. VAN BENTHUYSEN,
> President National Improved Telephone Co. of La.

Even the possibility of bleeding the rich monopoly of Bell was not overlooked; and due precaution was taken by each party that the other party should not sell it out.

Why did the National Improved people want the impecunious Pan-Electric as a partner? Because they wanted "some little influence that they supposed we might have," to use the language in which Casey Young gleefully reported the new alliance to Dr. Rogers of Parthenon Heights. The New Orleans company had tried on its own hook to get the Government suit ordered, with the discouraging results noted above.

But why did the impecunious but influential Pan-Electric want the National Improved as a partner in its enterprise? Because, in the first place, the Louisiana company had cash, while the Pan-Electric had none; in the second place, it had accumulated about $75,000 worth of technical evidence to be used in an attack on Bell; and, in the third place, the Pan-Electric would now be able to stand modestly in the shadow, while its secret partner figured before the courts and the public as the chief party in interest.

The cat was killed.

V.—How the Department of Justice was Carried by Storm.

Now everything worked with a celerity and smoothness that must have satisfied Mr. Van Benthuysen that he had joined hands with the right men.

On July 30 or 31 the Hon. Casey Young had accompanied Mr. Van Benthuysen and several other gentlemen to the Department of Justice and introduced them to the Attorney-General. The object of the visit was to get Mr. Garland to say that he would act promptly on the application of some District Attorney for a Government suit to cancel the Bell patents, *and without referring the matter to the Department of the Interior.* Mr. Garland replied that he would not be in a position to act in any matter concerning a telephone case, because he was a stockholder in one of the companies, and that if any application came it would be referred to some other officer, as he personally would not like to do anything in it. In a letter written two months afterward to President Cleveland, Mr. Garland says: "After the interview with the gentlemen, I supposed they would come to me with an application, after the statement I had made, to either refer the matter to the Solicitor-General or to present it to you, as the legal head of the executive departments, for your consideration."

Both Dr. Rogers, the promoter, and his son, J. Harris Rogers, the inventor, have testified under oath that at this time the Hon. Casey Young informed them that Mr. Garland had promised to bring suit, but that, as he felt a delicacy in conducting it, everything was to be left to Solicitor-General Goode. This statement has been denied by Mr. Garland and by Mr. Young.

What the gentlemen did obtain at this interview with the Attorney-General was his assent to the withdrawal of the earlier application by Van Benthuysen alone. They accordingly went to the Commissioner of Patents, and he returned to them the papers, removing from the files of the department all trace of the Van Benthuysen application. This act of accommodation on the part of the Interior Department at the suggestion of the Department of Justice corrected the mistake of the too impetuous and too precipitate Louisianian, prevented the adverse report from the Patent Office which the partners all expected, and cleared the way for the swift progress of the new application.

Then the combined Pan-Electric and National Improved interests went down to Memphis, where the local influence of the Pan-Electric crowd was more potent than anywhere else outside of Washington. A memorial of "citizens," all more or less interested in one or the other of the partner companies, a petition which the Hon. Casey Young astutely refrained from signing, was presented to United States District Attorney McCorry on Aug. 26. On Aug. 31, Mr McCorry was followed to Jackson, Tenn., by Mr. Young and Mr. Huntington; and there and on that date the District Attorney addressed to the Hon. Augustus H. Garland, Pan-Electric stockholder to the extent of half a million, a letter asking that a suit be brought in the name of the United States to annul the Bell patents.

This application was so timed that it reached Washington just after the departure of the Attorney-General on Aug. 27 for a long vacation in Arkansas. The Hon. John Goode of Virginia, the Solicitor-General, whose confirmation by the Senate was then pending, became acting Attorney-General in the absence of Mr. Garland. On Aug. 2, Senator Isham G. Harris, who, as Vice-President of the Pan-Electric, had signed the secret treaty with Van Benthuysen, and who, as Senator of the United States, was to have a vote on the confirmation of Mr. Goode, turned up, curiously enough, at the Solicitor-General's office to inquire if any such application from Memphis had been received. It had not been received. Senator Harris was ahead of the mail that brought Mr. McCorry's letter. The next morning, Sept. 3, Senator Harris called again on the same errand; and he was then informed by Mr. Goode that within the few hours since his last visit the McCorry letter had arrived, the merits of the application had been weighed, the Government suit had been ordered *without a reference to the matter to the Department of the Interior*, and a reply had been forwarded to McCorry at Memphis, instructing him to begin proceedings, in the name of the United States, to vacate and cancel the Bell patents. And six days later the suit was begun in Memphis, just in the nick of time to enable the Pan-Electric Sub-Company at Baltimore to interpose this Government action as an answer to the Bell suit against it for infringement.

So swiftly and so surely moved the wheels of the Department of Justice when once the connection was made and the half-million volt current of Pan-Electricity was directly applied!

"We have secured all we expected or wished," wrote Casey Young to Promoter Rogers on Sept. 7, "and we will soon proceed to utilize."

"My dear friend," wrote Col. Looney, a Memphis promoter of the Pan-Electric, to Dr. Rogers on Sept. 10, "I am making a desperate effort to sell some stock, but have failed up to this moment; but will continue my efforts. The last bill filed against the Bell Company, with the approval and consent of the Department of Justice, will certainly wake up and startle the Bell people. It is a regular cyclone. The bill is simply carrying out a suggestion of yours made some time ago."

But the whole of the Doctor's beautiful vision had not been realized, for the United States Government had not yet assumed the cost of the proceedings in the interest of the speculators.

V.—Mr. Cleveland Shoulders the Scandal.

Up to the time when the Government suit was instituted at Memphis, the facts about the great Pan-Electric speculation had been unknown to the country. Now they all came out, and they produced a sensation exceeding anything of the sort since the Credit Mobilier revelations. It is not necessary to remind the reader of the extent to which public attention was directed to this matter. The Cleveland Administration, holding public office as a public trust, found itself involved in a scandal of the first magnitude.

The Attorney-General hurried back from Hominy Hill in Arkansas. A Cabinet meeting at which he was present discussed the situation and the possible consequences. Then Mr. Garland, on Oct. 8, wrote a long letter to Mr. Cleveland, explaining his relations with the Pan-Electric crowd, and admitting his personal interest in the suit which had been instituted by the Solicitor-General. He also stated that the customary procedure was to refer such applications to the Department of the Interior. On the same day the President forwarded to the Solicitor-General this statement of Mr. Garland's, and wrote a letter intimating to Mr. Goode that it might be well to reconsider the hasty action by which the suit was ordered without a previous reference of the case to the Department concerned. On the next day, Oct. 9, just one month after the Memphis suit was ordered, Mr. Goode replied to the President that he had instructed District-Attorney McCorry to discontinue the suit. On the same day, Oct. 9, these letters were given to the newspapers for publication.

It is quite apparent that this correspondence was prepared, after consultation, with a view to putting it at once before the country, in order to remedy as far as possible the political damage already incurred.

Four days later, however, Mr. McCorry renewed from Memphis his application to the Solicitor-General for leave to bring suit against the Bell company. This time the Solicitor-General referred the memorial and the papers accompanying it to the Secretary of the Interor. After an interval of three months, and a hearing at which the several telephone companies interested were represented, Secretary Lamar advised the Department of Justice that, while he had no opinion of the merits of the question, he thought a Government suit ought to be brought to review the Bell patent; and he recommended that the suit be entirely under the control of the Government and at its expense.

Thereupon the Solicitor-General retained an array of eminent counsel, including Judge Allen G. Thurman of Ohio, Grosvenor S. Lowrey of this city, Hunton & Chandler and Charles S. Whitman of Washington, and Prof. Cyrus F. Brackett of Princeton, the latter as an expert in science. On March 23, 1886, the new suit was brought at Columbus, Ohio.

There is no doubt that this time the decision to pursue the course first pointed out by the ridiculous Rogers of Parthenon Heights was taken deliberately by Mr. Cleveland as a definite policy and after serious study of the political considerations involved.

The motives influencing the President and his advisers to adopt this extraordinary course, without a precedent in the history of our Government, without the slightest foundation in right or reason, are not in evidence and they can only be conjectured. It is not difficult to conjecture them.

The Pan-Electric telephone scandal discrediting Mr. Cleveland's Administration was flagrant in the land. The obvious course of a President who held that public office was a public trust was to punish by expulsion such of his subordinates as were implicated in the scandal, to purge the departments of Pan-Electricity, and to send that unclean thing back to its nest at Parthenon Heights. The evil required heroic treatment. The alternative was to face the music, to stand by Garland, Goode, Atkins, Johnston, and "all the rest of us;" to shoulder the scandal as an Administration issue, and to carry it along still further on the road already travelled.

This is what Mr. Cleveland did; and there is reason to believe that he was impelled to this course not only by disinclination to confess the scandal, but also by the expectation that a Government attack on the unpopular Bell company, boldly undertaken and vigorously prosecuted, would be a good stroke of political policy. Of course the popularity or unpopularity of the party assailed made no difference about the right or wrong of the proceeding; but the right or wrong of the proceeding made no difference to Mr. Cleveland.

VI.—Mr. Cleveland Lends the United States Treasury to the Pan-Electric Crowd.

Up to this time the Government had been a party in suits to test the validity of patents in only ten cases.

The first suit of the kind was brought by a private person to repeal a patent for an improvement in egg carriers. The second was a suit in a private interest against the Rumford Chemical Works. The third concerned a patent planing machine. The fourth was Edison against the Western Union Company, where the Government's appearance was without results. The fifth was a private suit to revoke a patent for a certain elastic paint. The sixth was a private suit to revoke a patent for an improvement in enamelled figures. The seventh was the private suit of West & Bond against Frazier. The eighth was the Zenas C. Warren case. The ninth was the Roberts torpedo case. The tenth was the barbed wire case. In these ten cases the application of the private parties for the coöperation of the Department of Justice had been granted; by Attorney-General Williams and under the Grant Administration in five instances; by Attorney-General Taft in one instance; by Attorney-General Brewster in three instances, and by Mr. Garland once. Seven similar applications had been refused by the Department of Justice.

Observe now the very important and significant difference between the ten suits previously ordered by the Government at the application of private parties, and the suit to revoke the Bell patents which the Department of Justice, under President Cleveland's Administration, undertook at the instance of Dr. Rogers of Parthenon Heights.

In every one of these ten cases the Government's appearance as a party was merely formal, and it involved no expenditure from the public Treasury. The bill was prepared by the applicant who expected to profit by the repeal of the patent called into question in the courts. The case was prepared, and the counsel were employed and the costs were paid by the private plaintiff. This was made the condition on which the suit was ordered. Where the condition was not complied with by the private contestant, and where the Government was not secured against expense by a satisfactory indemnity bond, the suit was at once dropped by the Government. This happened in the barbed-wire case.

It is not equitable or constitutional that the people of the United States should be required to pay for the patent litigation of private parties, even if for reasons of form and convenience of procedure it may properly lend its name to the proceedings. Up to the days of Mr. Cleveland and Mr. Garland and Pan-Electricity, this principle was uniformly recognized and enforced. The applicant who applied for the suit, and who was to profit by the success of the suit, paid the cost of the litigation; and it was right that he should pay it.

For the first time in the history of the Government, Mr. Cleveland's Administration overthrew this just and necessary principle, and assumed not only the entire responsibility, but also the whole expense of proceedings undertaken at the solicitation of private interests and for the pecuniary benefit of private individuals. It was determined that the Government should pay all of the expenses, and that only counsel employed and paid by the Government should be allowed to appear. The burden of expense was shifted from the shoulders of the telephone speculators to the shoulders of the taxpayers of the United States.

This was more than the Pan-Electric statesmen had dared to hope for, and as much as Dr. Rogers had ever dreamed of in his wildest enthusiasm. If that emotional promoter did not at once seek the seclusion of Parthenon Heights and proceed to stand on his head and wave his legs in the air, it was because he was too busy figuring out the millions of profit now in sight. He alone of all the Pan-Electric party had been sanguine enough to hope for a Government suit to smash the Bell telephone patents, prosecuted wholly at the expense of the taxpayers.

"I request you to instruct a United States Judge," he had written to his partner, the Attorney-General, on May 24, "to take immediate action in the premises, being individually too poor to fight this monopoly." And within four months of the date of that suggestion his dream was a reality.

VII.—The Dismal and Costly Sequel.

Fraudulently named and scandalously procured, the unprecedented suit styled by Mr. Cleveland's Administration the suit of the "People of the United States against the Bell Telephone Company," was begun at Columbus, O., in March, 1886. Its origin, as we have seen, was in corruption and intrigue. Its subsequent history has been marked by legal reverses, costly blunders, and fruitless expenditure from the United States Treasury.

The first blunder was in ordering the suit at Columbus. A minority of the eminent counsel retained at public expense to save the reputation of Mr. Cleveland's public trust Administration advised that the suit be brought at Boston, where the defendant corporation was domiciled. The majority of the counsel decided against Boston. Memphis, for reasons already indicated, was in bad odor. St. Louis was considered, but finally Columbus was chosen. The Bell Company, or one of its sub-companies, had a branch office there, the Bell telephone was in use there, and the locality was specially suited to the personal convenience of Judge Allen G. Thurman, senior counsel for the new firm of Rogers & the United States of America.

The Bell Company immediately demurred to the bill in chancery on the ground of non-jurisdiction. Its home was in Boston, and it held that in Boston its patents must be attacked, if attacked at all. In due course the demurrer was sustained by the United States Circuit Court for the Southern district of Ohio, and the case was dismissed from the court on the ground of no jurisdiction. This first futile proceeding in Ohio cost the Government two years of time and cost the people many thousands of dollars.

Then the Cleveland Administration took a fresh start, this time in the Circuit Court for the Eastern District of Massachusetts. The Government filed at Boston a new bill in equity to annul the Bell patents on the ground that they were wrongfully granted: First, because the original inventor of the telephone was Daniel Drawbaugh and not Alexander Graham Bell, and, secondly, because the telephone (of Philip Reis) had been in existence long prior to the time of granting the patents to Bell. This was precisely the line of attack suggested to Attorney-General Garland by Dr. Rogers in his letter of May 24, 1885.

The reply of the Bell Company at Boston was a demurrer taking the ground that even if these allegations were true, no power or authority existed in any person or party or any court to annul the patents. The case was very fully argued on the demurrer, and the demurrer was sustained by the Court. The Government then carried the case to Washington on appeal from the Massachusetts decision; and after elaborate argument the Supreme Court reversed the decision of the Circuit Court, holding that the Circuit Court had jurisdiction and power to annul a patent granted by the United States. This memorable and important decision was rendered on Nov. 12, 1888. The Circuit Court was told to go ahead with the Cleveland-Rogers suit. Among the Justices on the bench of the Supreme Court at this time was the Hon. Lucius Quintus Cincinnatus Lamar, who, as Mr. Cleveland's Secretary of the Interior, had originally recommended that the Government suit should be brought.

The case was therefore remanded in the winter of 1888-89 to the Circuit Court in Massachusetts, with instructions to overrule the demurrer. The demurrer was overruled. Alexander Graham Bell individually was made a party. The defendant company took its one hundred days to file an answer, and by the summer of 1889 the suit was at issue, and a master in chancery was appointed to take testimony. Then the Bell Company applied to the Circuit Court for leave to withdraw its answer and file an amended answer. The Government's counsel objected, but the Court granted the leave, and on Oct. 5, 1889, the amended plea and answer were filed by the counsel for Bell. The Government filed a general replication, and the case was again ready for the taking of testimony.

At this time all of the questions of fact at issue, the priority of Reis, the priority of Drawbaugh, the broad claim of Bell to be the inventor of the speaking telephone, the allegations of fraud on the part of Bell, had just been examined by the Supreme Court of the United States and decided finally and favorably to the Bell company. The decision of the Supreme Court sustaining the Bell patents, upon appeal of the six great telephone suits covering the whole ground of the Rogers-Cleveland Government suit, had been rendered on March 20, 1888. But still the Government suit went on at the expense of the people.

The taking of testimony on the part of the Government occupied two years, from the autumn of 1889 to the last part of 1891. The cross-examination of a single witness, Daniel Drawbaugh, before Mr. Hallett, the master in chancery at Boston appointed by the Court, lasted nearly three months. It was not until on or about April 4 of the present year that the defence began to take its testimony before the examiner. If the testimony for the defence occupies as much time as that of the Government, the case will not be ready for trial until the summer or fall of 1894. It is true that the present allowance of time for the taking of testimony expires next October, but an extension may reasonably be expected.

Meanwhile, of the two Bell patents which it is sought to annul, the first patent, of 1876, expires on March 7, 1893; and the second patent, of 1877, under which, according to a decision of the United States Supreme Court, the Bell Company would still hold a monopoly, although the first patent had lapsed, expires in January, 1894.

Such is a brief but sufficient sketch of the legal history of the case down to date. It will be seen that there is no good prospect that a decision, either sustaining the Bell patents or annulling them, will be reached during the lifetime of these patents. Yet the case still drags on, as it has dragged for the past six or seven years, ever since it was started at the expense of the people by Mr. Cleveland's Administration upon the suggestion of Dr. Rogers of Parthenon Heights.

We now put together the items of expenditure for counsel and witness fees alone on the part of the Government on account of this scandalous, unprecedented, and futile attempt to use a public trust for private benefit. The figures are from the books of the First Comptroller of the Treasury, and they represent the money actually paid to date to lawyers, experts, and witnesses. In other words this is the direct charge which Mr. Cleveland's determination to face down the Pan-Electric scandal has fixed upon the taxpayers:

Charles S. Whitman	$25,866 89
Grosvenor S. Lowrey	14,256 90
Allen G. Thurman	12,629 05
Hunton & Chandler	8,423 80
John Goode	7,610 85
George F. Barker	5,298 08
Frederick M. Ott	4,548 85
George A. Jenks	2,686 89
M. W. Jacobs	2,271 62
Cyrus F. Brackett	1,482 26
W. C. Strawbridge	1,431 19
Molecular Telephone Company	840 80
Albert Stetson	540 00
Daniel Drawbaugh	815 00
A. B. Shank	248 00
G. W. Heiges	128 00
W. J. Hughes	60 14
P. H. Kamler	48 00
A. W. Goodspeed	32 00
F. M. Adams	30 50
William S. Hulse	14 00
George F. Stradling	14 00
Total	$88,757 72

It should be said in justice to Attorney-General Miller and to Gen. Harrison's Administration that three-quarters, if not seven-eighths, of this total of wasted money was expended during the terms of Mr. Cleveland, Mr. Garland, and Mr. Goode. The present Attorney-General inherited the scandalous suit. The Government had been committed to it, and he was obliged to carry it on. He began by cutting down expenses, dismissing the array of costly and ornamental counsel, and intrusting the management to a single zealous and hard-working attorney, Mr. Whitman of Washington. That the suit has been prosecuted by Mr. Miller faithfully and conscientiously and for all that it is worth no lawyer needs to be told. That he would not have begun at the public cost a suit such as this in the private interest of speculators and promoters, goes without saying; for the like of it never tarnished the records of the Department of Justice before the time of Cleveland and Garland; and the like of it will not be seen again until some bold rascal uses this Government suit against Bell as a precedent for some scheme of oppression or blackmail, turning the machinery of justice to private profit, and working his game through some venal officeholder in high place, whose corrupt soul he has previously bought for cash.

MRS. SCHAUD DENOUNCES SCHAUD.

Stole Her Away from Home When She Was 14 and Wants to be Rid of Her Now.

Mrs. Sarah Schaud, a pretty Spanish woman, is 25, and has a daughter 10 years old. Three months ago she and her husband, Frederick Schaud, a porter, separated. He took up his residence with his brother, August Schaud, at 1,208 Myrtle avenue, Williamsburgh. Two weeks ago Mrs. Schaud had him arrested on a charge of abandonment, and his trial was set down for yesterday. On Sunday night Mrs. Schaud went to her brother-in-law's house to see her husband. A man who came out of the house was mistaken by Mrs. Schaud for her husband, and she thrashed him with her umbrella. She discovered her mistake when her brother-in-law appeared, and then turned her attention to him. He pushed her away, and she caused his arrest on the following day for assault. This case was tried yesterday and dismissed by Justice Goetting, in the Lee Avenue Police Court. The trial of Frederick Schaud for abandonment was next taken up, and when Mrs. Schaud came forward to be sworn the Bible was handed to her. Her husband shouted to Justice Goetting to stop her.

"She is a Jewess, and will swear falsely," exclaimed Schaud.

"You are a story teller, you mean fellow. You stole me from my home when I was 14 years old, and you have tried all in your power to have me put in an insane asylum, but I have defied you," shrieked Mrs. Schaud. A court policeman restrained her from striking her husband.

When the excitement caused by this scene subsided, Schaud told Justice Goetting that his wife had $2,500 in various savings banks, and was not in danger of becoming a charge on the county. Mrs. Schaud indignantly denied this statement, and again denounced her husband until Justice Goetting ordered her to stop. Schaud expressed a willingness to provide for her and their child, and $5 a week was agreed upon, Mrs. Schaud to keep the rooms she now occupies in the house of Schaud's mother. Schaud demurred to the latter arrangement on the ground that his wife had such a violent temper that no tenants were able to live in his mother's house.

Justice Goetting has received letters from a clergyman and from Mrs. Emma Whittlesey, the matron of the Industrial Home in South Third street, about Mrs. Schaud. Mrs. Whittlesey says that when Mrs. Schaud was 14 years old, her husband, who is sixteen years her senior, had a mock marriage ceremony performed, and afterward, becoming alarmed when her brother learned of the affair, had a legal ceremony performed by a Justice of the Peace. Mrs. Schaud told the same story to Justice Goetting a few days ago, and added that her husband had once abducted their child. Mrs. Schaud said her husband had told her that he was determined to get rid of her.

DON'T APPRECIATE THE ARMY.

Trustees of Delaware College Indifferent to Military Training of Students.

WILMINGTON, Del., June 16.—There is trouble between the trustees of Delaware College, at Newark, and the War Department of the United States. The students have been uniformed and have been under military instruction for several years. Capt. Leroy Brown of the United States army was first sent to the college, and he did admirable work in perfecting the military education and discipline of the boys. Capt. Brown was transferred to a Western post last fall, and was succeeded by Lieut. E. C. Brooks. For the past year the drills have been made compulsory, and every student was supposed to drill if he was able. At the annual meeting of the college trustees yesterday Lieut. Brooks complained of the lack of discipline and the difficulty he had in getting an attendance at the drills. Part of this trouble, it is understood, is owing to the fact that the President of the college is not in favor of the military features.

At the meeting of the trustees yesterday a report was read from Major Sanger, inspecting officer of the United States army, saying that he found that some of the cadets were not uniformed and that the cannon were dirty. He further said that unless the service was improved the officer stationed at the college would be withdrawn. The trustees decided that the matter of uniform and drill should not be obligatory, but that students whose parents or guardians so desired should come under the military regulations. This will end the military feature of Delaware College.

UNTIL HIS ARM SNAPPED OFF.

Zaseras Whirled Around by the Belting at Lightning Speed.

LORILLARDS, June 16.—William Zaseras, a Pole, 25 years old, employed at Lorillard's brick yards, was caught in a belt he was adjusting this morning and whirled around at lightning speed until his arm snapped off at the elbow as if cut with a knife. Drs. Johnson and Roberts of Keyport found that his leg had also been broken, and decided that it would be necessary to amputate it and the remaining part of the arm. Ether was administered, and the operation on the arm was performed. Twice in the course of it it was thought that Zaseras was dead, but he rallied. The amputation of the leg was postponed on account of Zaseras's weakness. He will be taken to the Long Island Hospital if he recovers sufficient strength to warrant his removal.

Superintendent Harry Turner says he had repeatedly warned Zaseras to be more careful while repairing the belt.